

October 31, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Phillips, J.) ATTORNEY DOCKET:	04242350
)	
SERIAL NO.	10/797,374) GROUP ART UNIT:	1625
)	
FILED:	March 10, 2004) EXAMINER:	Chang, Celia
)	
TITLE:	Novel Substituted Benzimidazole Dosage Forms and Method of Using Same)	
)	
DATE:	October 31, 2007) CUSTOMER NO.	26565
)	

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97-1.98

Dear Sir:

The following information is submitted pursuant to a duty to disclose under 37 CFR § 1.56 and §§ 1.97-1.98, as supplemented by M.P.E.P. § 609. A list of all enclosed documents is provided in a Form PTO-1449, transmitted herewith. Applicant respectfully requests that the Examiner consider the listed documents and evidence the consideration of relevant portions thereof by making appropriate notations on the attached form.

By way of this Supplemental IDS, Applicant is providing a copy of (1) the Complaint dated September 13, 2007 filed against Par Pharmaceutical, (2) the Amended Complaint dated October 2, 2007 filed against Par Pharmaceutical and (3) Par Pharmaceutical's Answer and Counterclaims dated October 17, 2007. The exhibits attached to the Complaint and the Amended Complaint enclose U.S. Patent Nos. 6,699,885, 6,645,988 and 6,489,346 (Phillips, J. inventor), all of which were previously made of record during prosecution of this '732 Application. The Supplemental IDS and Exhibit B of the Amended Complaint enclose the Reexamination Certificate as issued on September 18, 2007, for U.S. Patent No. 6,699,885. Applicant respectfully requests that the Examiner consider the listed documents and evidence the consideration of relevant portions thereof by making appropriate notations on the attached form. A copy of the Report on the Filing or Determination of an Action Regarding a Patent or Trademark filed with the Patent Office on September 14, 2007 is also being provided.

Moreover, Applicant is officially providing a copy of the Notice of Intent to Issue Ex Parte Reexamination Certificate in U.S. Patent No. 6,699,885. At least as early as June 6, 2007, this document was previously presented to the Examiner. Applicant is also providing the file history of the Reexamination of U.S. Patent No. 6,699,885, previously disclosed to the Examiner.

October 31, 2007

In addition, Applicant is providing a copy of the Detailed Statement of the Factual and Legal Basis attached to Par Pharmaceutical's Notice of Paragraph IV Letter to Santarus, Inc. and The Curators of the University of Missouri. Each of the references discussed in this document were previously before the Examiner during prosecution of the present application. Nevertheless, out of an abundance of caution, Applicant is submitting Par's arguments with respect to each of these references.

This Supplemental Information Disclosure Statement is filed pursuant to 37 C.F.R. § 1.97(c)(2), prior to the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution. In connection with this filing, please charge Deposit Account No. 13-0019 a fee in the amount of \$180.00 pursuant to 35 U.S.C. § 1.17(p). Should there be any additional fees required, the Commissioner is authorized to charge Deposit Account No. 13-0019.

Presentation of documents listed on enclosed Form PTO-1449 is not an admission that any listed document is prior art under the Patent Act and the right is reserved to antedate any material described in the listed documents by a showing under 37 C.F.R. § 1.131 or otherwise.

The filing of this Supplemental Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. §1.97(g)), an admission that the information cited is or is considered to be material to patentability, or that no other material information exists. Applicant respectfully requests that the statement be considered by the Office in the course of prosecution of the application.

Respectfully submitted,



Joseph A. Mahoney
Registration No. 38,956

CUSTOMER NUMBER 26565
MAYER BROWN LLP
P.O. Box 2828
Chicago, IL 60690-2828
Telephone: (312) 701-8979
Facsimile: (312) 706-9000